

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM LLC	§	
	§	Civil Action No. 6:10-cv-00329-LED
v.	§	
	§	JURY
AMAZON.COM, INC.; et al	§	

**DEFENDANT J&R ELECTRONICS INC.'S ANSWER TO PLAINTIFF'S
THIRD AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant J&R Electronics Inc. ("J&R") answers the allegations in Plaintiff AdjustaCam LLC's ("AdjustaCam" or "Plaintiff") Third Amended Complaint For Patent Infringement ("Third Amended Complaint") as follows, denying Plaintiff's allegations and averments except that which is expressly admitted herein:

PARTIES

1. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 1 of the Third Amended Complaint, and therefore denies them.
2. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 2 of the Third Amended Complaint, and therefore denies them.
3. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 3 of the Third Amended Complaint, and therefore denies them.
4. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 4 of the Third Amended Complaint, and therefore denies them.
5. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 5 of the Third Amended Complaint, and therefore denies them.

6. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 6 of the Third Amended Complaint, and therefore denies them.

7. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 7 of the Third Amended Complaint, and therefore denies them.

8. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 8 of the Third Amended Complaint, and therefore denies them.

9. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 9 of the Third Amended Complaint, and therefore denies them.

10. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 10 of the Third Amended Complaint, and therefore denies them.

11. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 11 of the Third Amended Complaint, and therefore denies them.

12. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 12 of the Third Amended Complaint, and therefore denies them.

13. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 13 of the Third Amended Complaint, and therefore denies them.

14. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 14 of the Third Amended Complaint, and therefore denies them.

15. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 15 of the Third Amended Complaint, and therefore denies them.

16. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 16 of the Third Amended Complaint, and therefore denies them.

17. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 17 of the Third Amended Complaint, and therefore denies them.

18. J&R admits that it has a place of business in New York, New York. To the extent any other allegations or averments are contained within paragraph 18, they are denied.

19. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 19 of the Third Amended Complaint, and therefore denies them.

20. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 20 of the Third Amended Complaint, and therefore denies them.

21. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 21 of the Third Amended Complaint, and therefore denies them.

22. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 22 of the Third Amended Complaint, and therefore denies them.

23. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 23 of the Third Amended Complaint, and therefore denies them.

24. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 24 of the Third Amended Complaint, and therefore denies them.

25. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 25 of the Third Amended Complaint, and therefore denies them.

26. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 26 of the Third Amended Complaint, and therefore denies them.

27. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 27 of the Third Amended Complaint, and therefore denies them.

28. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 28 of the Third Amended Complaint, and therefore denies them.

29. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 29 of the Third Amended Complaint, and therefore denies them.

30. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 30 of the Third Amended Complaint, and therefore denies them.

31. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 31 of the Third Amended Complaint, and therefore denies them.

32. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 32 of the Third Amended Complaint, and therefore denies them.

33. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 33 of the Third Amended Complaint, and therefore denies them.

34. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 34 of the Third Amended Complaint, and therefore denies them.

35. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 35 of the Third Amended Complaint, and therefore denies them.

36. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 36 of the Third Amended Complaint, and therefore denies them.

37. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 37 of the Third Amended Complaint, and therefore denies them.

38. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 38 of the Third Amended Complaint, and therefore denies them.

JURISDICTION AND VENUE

39. J&R admits that the Third Amended Complaint makes allegations arising under the United States patent laws, and that this Court has subject matter jurisdiction over patent law claims. For purposes of this action only, J&R does not contest the Court's exercise of personal jurisdiction. J&R denies any and all alleged infringement. To the extent that there are other allegations and/or averments pertaining to J&R in paragraph 39, they are denied. To the extent the allegations of paragraph 39 are directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

40. J&R admits that venue is proper in the Eastern District of Texas for purposes of this particular action only. However, J&R disputes that venue is more proper or more convenient here than in other jurisdictions, and it reserves the right to seek transfer of this case to another jurisdiction pursuant to Federal Rule of Civil Procedure § 1404(a), at a minimum. J&R denies all alleged patent infringement. To the extent any remaining allegations of paragraph 40 are directed at or to J&R, they are denied. To the extent any allegations of paragraph 40 are directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

COUNT I **ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,855,343**

41. J&R admits that U.S. Patent No. 5,855,343 (the "343 Patent") appears to be entitled "CAMERA CLIP" and that it appears to bear an issuance date of January 5, 1999. J&R denies that the '343 patent was "duly and legally issued." To the extent paragraph 41 contains any additional allegations or averments, they are denied.

42. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 42 of the Third Amended Complaint, and therefore denies them.

43. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 43 of the Third Amended Complaint, and therefore denies them.

44. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 44 of the Third Amended Complaint, and therefore denies them.

45. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 45 of the Third Amended Complaint, and therefore denies them.

46. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 46 of the Third Amended Complaint, and therefore denies them.

47. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 47 of the Third Amended Complaint, and therefore denies them.

48. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 48 of the Third Amended Complaint, and therefore denies them.

49. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 49 of the Third Amended Complaint, and therefore denies them.

50. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 50 of the Third Amended Complaint, and therefore denies them.

51. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 51 of the Third Amended Complaint, and therefore denies them.

52. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 52 of the Third Amended Complaint, and therefore denies them.

53. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 53 of the Third Amended Complaint, and therefore denies them.

54. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 54 of the Third Amended Complaint, and therefore denies them.

55. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 55 of the Third Amended Complaint, and therefore denies them.

56. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 56 of the Third Amended Complaint, and therefore denies them.

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58. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 58 of the Third Amended Complaint, and therefore denies them.

59. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 59 of the Third Amended Complaint, and therefore denies them.

60. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 60 of the Third Amended Complaint, and therefore denies them.

61. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 61 of the Third Amended Complaint, and therefore denies them.

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66. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 66 of the Third Amended Complaint, and therefore denies them.

67. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 67 of the Third Amended Complaint, and therefore denies them.

68. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 68 of the Third Amended Complaint, and therefore denies them.

69. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 69 of the Third Amended Complaint, and therefore denies them.

70. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 70 of the Third Amended Complaint, and therefore denies them.

71. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 71 of the Third Amended Complaint, and therefore denies them.

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76. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 76 of the Third Amended Complaint, and therefore denies them.

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79. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 79 of the Third Amended Complaint, and therefore denies them.

80. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 80 of the Third Amended Complaint, and therefore denies them.

81. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 81 of the Third Amended Complaint, and therefore denies them.

82. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 82 of the Third Amended Complaint, and therefore denies them.

83. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 83 of the Third Amended Complaint, and therefore denies them.

84. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 84 of the Third Amended Complaint, and therefore denies them.

85. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 85 of the Third Amended Complaint, and therefore denies them.

86. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 86 of the Third Amended Complaint, and therefore denies them.

87. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 87 of the Third Amended Complaint, and therefore denies them.

88. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 88 of the Third Amended Complaint, and therefore denies them.

89. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 89 of the Third Amended Complaint, and therefore denies them.

90. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 90 of the Third Amended Complaint, and therefore denies them.

91. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 91 of the Third Amended Complaint, and therefore denies them.

92. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 92 of the Third Amended Complaint, and therefore denies them.

93. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 93 of the Third Amended Complaint, and therefore denies them.

94. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 94 of the Third Amended Complaint, and therefore denies them.

95. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 95 of the Third Amended Complaint, and therefore denies them.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 100 of the Third Amended Complaint, and therefore denies them.

101. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 101 of the Third Amended Complaint, and therefore denies them.

102. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 102 of the Third Amended Complaint, and therefore denies them.

103. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 103 of the Third Amended Complaint, and therefore denies them.

104. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 104 of the Third Amended Complaint, and therefore denies them.

105. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 105 of the Third Amended Complaint, and therefore denies them.

106. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 106 of the Third Amended Complaint, and therefore denies them.

107. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 107 of the Third Amended Complaint, and therefore denies them.

108. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 108 of the Third Amended Complaint, and therefore denies them.

109. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 109 of the Third Amended Complaint, and therefore denies them.

110. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 110 of the Third Amended Complaint, and therefore denies them.

111. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 111 of the Third Amended Complaint, and therefore denies them.

112. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 112 of the Third Amended Complaint, and therefore denies them.

113. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 113 of the Third Amended Complaint, and therefore denies them.

114. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 114 of the Third Amended Complaint, and therefore denies them.

115. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 115 of the Third Amended Complaint, and therefore denies them.

116. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 116 of the Third Amended Complaint, and therefore denies them.

117. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 117 of the Third Amended Complaint, and therefore denies them.

118. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 118 of the Third Amended Complaint, and therefore denies them.

119. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 119 of the Third Amended Complaint, and therefore denies them.

120. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 120 of the Third Amended Complaint, and therefore denies them.

121. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 121 of the Third Amended Complaint, and therefore denies them.

122. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 122 of the Third Amended Complaint, and therefore denies them.

123. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 123 of the Third Amended Complaint, and therefore denies them.

124. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 124 of the Third Amended Complaint, and therefore denies them.

125. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 125 of the Third Amended Complaint, and therefore denies them.

126. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 126 of the Third Amended Complaint, and therefore denies them.

127. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 127 of the Third Amended Complaint, and therefore denies them.

128. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 128 of the Third Amended Complaint, and therefore denies them.

129. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 129 of the Third Amended Complaint, and therefore denies them.

130. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 130 of the Third Amended Complaint, and therefore denies them.

131. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 131 of the Third Amended Complaint, and therefore denies them.

132. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 132 of the Third Amended Complaint, and therefore denies them.

133. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 133 of the Third Amended Complaint, and therefore denies them.

134. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 134 of the Third Amended Complaint, and therefore denies them.

135. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 135 of the Third Amended Complaint, and therefore denies them.

136. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 136 of the Third Amended Complaint, and therefore denies them.

137. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 137 of the Third Amended Complaint, and therefore denies them.

138. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 138 of the Third Amended Complaint, and therefore denies them.

139. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 139 of the Third Amended Complaint, and therefore denies them.

140. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 140 of the Third Amended Complaint, and therefore denies them.

141. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 141 of the Third Amended Complaint, and therefore denies them.

142. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 142 of the Third Amended Complaint, and therefore denies them.

143. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 143 of the Third Amended Complaint, and therefore denies them.

144. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 144 of the Third Amended Complaint, and therefore denies them.

145. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 145 of the Third Amended Complaint, and therefore denies them.

146. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 146 of the Third Amended Complaint, and therefore denies them.

147. J&R is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 147 of the Third Amended Complaint, and therefore denies them.

148. Denied as to J&R, except that J&R admits that Plaintiff AdjustaCam states that it is not claiming pre-suit damages based upon constructive notice of the '343 patent and purports to reserve the right to take discovery from Defendants. J&R reserves the right to object to discovery from J&R related to its actual awareness/notice of the '343 patent prior to the filing of suit. J&R specifically denies any actual awareness/notice of the '343 patent prior to the filing of suit as stated in its Declaration to Defendants' Motion for Partial Summary Judgment related to pre-suit damages filed on July 29, 2011 (Dkt. 473). To the extent that the allegations of paragraph 148 are directed to other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

149. J&R admits that Plaintiff AdjustaCam purports to reserve the right to take discovery from Defendants, J&R reserves the right to object to such discovery as stated in paragraph 148. J&R denies any and all alleged infringement, including, but not limited to, willful infringement. To the extent that there are other allegations and/or averments pertaining to J&R in paragraph 149, they are denied. To the extent the allegations of paragraph 149 are

directed at the other named defendants, J&R lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

PRAYER FOR RELIEF

J&R denies that Plaintiff is entitled to any of the requested relief and denies any allegations and/or averments in Plaintiff's prayer for relief.

DEMAND FOR JURY TRIAL

J&R admits that Plaintiff has demanded a jury trial. To the extent that this paragraph contains any allegations and/or averments directed to J&R, they are denied.

DEFENDANT J&R'S AFFIRMATIVE DEFENSES

J&R alleges and asserts the following defenses, affirmative or otherwise, without assuming any burden of proof that it would not otherwise have. In addition to the affirmative defenses described below and subject to its responses above, J&R specifically reserves all rights to allege additional affirmative defenses that become known through the course of discovery.

FIRST AFFIRMATIVE DEFENSE: Non-Infringement

J&R does not infringe and has not infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement, or any other alleged way, any claim of the '343 Patent.

SECOND AFFIRMATIVE DEFENSE: Invalidity

The claims of the '343 Patent are invalid for failure to satisfy one or more of the requirements of Title 35 of the United States Code, including but not limited to §§ 101, 102, 103, 112, 132 and 135 *et seq.*

THIRD AFFIRMATIVE DEFENSE: Laches

Plaintiff's claims of infringement under the '343 Patent are barred, in whole or in part, by laches.

FOURTH AFFIRMATIVE DEFENSE: Failure to State a Claim

Plaintiff's Complaint fails to state a claim upon which relief can be granted, including, but not limited to, because Plaintiff's Complaint fails to meet the standard for pleading set by the Supreme Court in *Ashcroft v. Iqbal*, *Bell Atlantic Corp. v. Twombly*, and their progeny.

FIFTH AFFIRMATIVE DEFENSE: No Entitlement to Injunctive Relief

Plaintiff is not entitled to any injunctive relief as it has, at a minimum, no irreparable injury and an adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Defendant J&R Electronics Inc., prays for judgment as follows:

- a. A judgment in favor of J&R denying Plaintiff all relief requested in its Third Amended Complaint in this action and dismissing same with prejudice;
- b. A judgment in favor of J&R on all of its affirmative defenses;
- c. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award to J&R of their reasonable costs and expenses of litigation, including attorneys' fees and expert witness fees; and
- d. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure and Local Rule CV-38, J&R respectfully demands a jury trial of all issues triable to a jury in this action.

Dated: August 29, 2011

Respectfully submitted,

/s/ Michael E. Jones

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**ATTORNEYS FOR DEFENDANT
J&R ELECTRONICS INC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 29, 2011. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones

Michael E. Jones